IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 445 OF 1992

Tulsidas Dungarsi Thakkar ..Appellant

versus

Special Land Acquisition

Officer, Panvel ..Respondents

Mr. Ramesh Karale i/b. Mr. P. K. Dhakephalkar for the Appellant.

Mr. S. N. Gawade, AGP for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 2ND MAY,2005

ORAL ORDER :

1. Heard learned counsel for the appellant and the learned AGP for the State.

2. 2600 sq. meters of the land of the claimant from Village Vadavali, Taluka Panvel, District Raigad, was acquired from Survey No.30, Hissa No.5. Since the claimant was not satisfied by the compensation awarded by the SLAO, he filed Reference and the Reference Court awarded compensation at Rs.11/- per sq. meter. According to the claimant, this is not proper compensation, hence he has

preferred the present Appeal.

3. Learned AGP for the State drew my attention to the judgment of **Justice Kakade dated 22.4.2004 in First Appeal No. 25 of 1993** by which the appeal filed by the State against Award of the Additional District Judge in Land Acquisition Reference No. 388 of 1987 where the compensation was awarded at Rs.11/-; that land was also from Village Vadavali. After considering all the relevant circumstances Justice Kakade fixed compensation at Rs.14/- per sq. meter.

4. The land under acquisition in the present Appeal is also from Village Vadavali, therefore following the judgment of Justice Kakade in First Appeal No. 25 of 1993, this Appeal is required to be partly allowed. In the result, I pass the following order :

ORDER

. Appeal is partly allowed.

. Compensation awarded to the appellant is enhanced from Rs.11/- to Rs.14/- per sq. meter for the acquired land. Needless to say that the statutory benefits will also stand proportionately enhanced. No order as to costs of this Appeal.

2.05.2005 (D.G. DESHPANDE, J.)